

THURSDAY, FEBRUARY 15, 1990

SIXTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Speaker Pro Tempore DeBerry.

The proceedings were opened with prayer by Rev. William Robertson, Elizabeth Chapel Baptist Church, Smithville, Tennessee.

Representative Frank Buck led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 93

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Moody was excused due to business in Morristown.

The Speaker announced that Representative Webb was excused due to a death in the family.

REPORT OF COMMITTEE ON CALENDAR AND RULES  
February 15, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular

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**Calendar for Wednesday, February 21, 1990: House Bill(s) No(s). 1816, 1817, 2127, 2128, 1660, 1644, 1631 and 1778.**

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 19, 1990: House Bill(s) No(s). 1664.

PHILLIPS, Chairman.

### **CONSENT CALENDAR**

**House Joint Resolution No. 0619 -- Memorials, Public Service -- Honors Barbara M. Pitts.**

**House Joint Resolution No. 0621 -- Memorials, Sports -- Honors McKenzie High School cheerleaders.**

**House Joint Resolution No. 0624 -- Memorials, Recognition and Thanks -- Honors Big Harpeth United Primitive Baptist Association on its 124th anniversary; declares "Big Harpeth Week".**

**House Joint Resolution No. 0627 -- Memorials, Retirement -- Honors Claude E. Gardner.**

**House Joint Resolution No. 0629 -- Memorials, Recognition and Thanks -- Honors National Black Methodist for Church Renewal Conference.**

**House Bill No. 2410 -- Greenbrier -- Raises amount of expenditure to be bid upon. Amends Chapter 436, Private Acts of 1937.**

**House Bill No. 2579 -- Ripley -- Increases license fee collected by recorder. Amends Chapter 223, Acts 1901, as amended.**

**Senate Joint Resolution No. 0453 -- Memorials, Sports -- Honors Sequatchie County High School football team.**

**Senate Joint Resolution No. 0454 -- Memorials, Condolence -- Honors memory of Garner Robinson.**

**Senate Joint Resolution No. 0456 -- Memorials, Congratulations -- Congratulates owner of John Henry Carothers House on naming to National Register of Historical Places.**

**Senate Joint Resolution No. 0461 -- Memorials, Condolence -- Honors memory of Reverend Charles Franklin Williams.**

**Senate Joint Resolution No. 0462 -- Memorials, Professional Achievement -- Commemorates 100th anniversary of The Ashland City Times.**

**Senate Joint Resolution No. 0467 -- Memorials, Public Service -- Honors Clyde S. Jones.**

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Senate Joint Resolution No. 0468 -- Memorials, Congratulations -- Honors Bethany Presbyterian Church Complex on placement in National Register of Historic Places.

Senate Joint Resolution No. 0472 -- Memorials, Sports -- Honors Carson-Newman football team, 1989 NAIA national champions.

Senate Joint Resolution No. 0475 -- Memorials, Personal Occasion -- Honors birth of Kyle Hamilton Reid.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Anderson -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from roll call to aye on the Consent Calendar and have this statement entered in the Journal.

Rep. W. Townsend Anderson

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**UNFINISHED BUSINESS**

**BILLS WITHDRAWN**

On motion of Rep. Severance, House Bill No. 1083 was recalled from the Transportation Committee.

On motion of Rep. Severance, House Bill No. 1083 was withdrawn from the House.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 533: Rep(s). Halteman added as prime sponsor(s).

House Bill No. 1632: Rep(s). Halteman added as prime sponsor(s).

House Bill No. 2230: Rep(s). Gaia, Kent, Shirley, Turner C and Turner L added as prime sponsor(s).

House Bill No. 2311: Rep(s). Ridgeway added as prime sponsor(s).

**JOINT STUDY COMMITTEE REPORT**

The Joint Committee to study the Administration of Boards, Commissions, and Other Entities, pursuant to Senate Joint Resolution No. 63 of 1989, has completed its work and filed its report with the Clerk's office.

**ANNOUNCEMENT**

The Analysis of Expenditures and Positions and Selected Fiscal Years 1984-85 through 1989-90, compiled by the Joint Finance, Ways and Means Staff, has been filed with the Clerk's office.

**INTRODUCTION OF RESOLUTIONS**

\*House Joint Resolution No. 0620 -- Highway Signs -- Designates Tennessee Routes 54 and 89 as Blue Star Memorial Highways. by \*Herron.

The Speaker referred House Joint Resolution No. 620 to the Transportation Committee.

House Joint Resolution No. 0625 -- Memorials, Sports -- Urges support for Dixie Classic Basketball Tournament. by \*Hubbard, \*Holcomb, \*Cole, \*Yelton, \*Good, \*Niceley, \*Moody.

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The Speaker referred House Joint Resolution No. 625 to the Education Committee.

House Joint Resolution No. 0630 -- Memorials, Sports -- Honors Westview High School girls' basketball team on winning Martin Lions Club Christmas tournament. by \*Herron, \*Pinion.

The Speaker referred House Joint Resolution No. 630 to the Calendar and Rules Committee.

House Joint Resolution No. 0631 -- Memorials, Condolence -- Honors memory of Dr. Lonnie Roy Boaz, Jr. by \*Robinson C B, \*Starnes, \*Wood, \*Turner B, \*Copeland, \*McAfee.

The Speaker referred House Joint Resolution No. 631 to the Calendar and Rules Committee.

House Joint Resolution No. 0632 -- Memorials, Sports -- Honors Oneida High School football team on reaching semifinals of TSSAA Class A. by \*Winningham.

The Speaker referred House Joint Resolution No. 632 to the Calendar and Rules Committee.

#### **INTRODUCTION OF BILLS**

House Bill No. 2586 -- Dekalb County -- Sets compensation for grand jury foreman. by \*Buck.

Passed first consideration.

\*House Bill No. 2587 -- Food and Food Products -- Revises listing of deleterious substances under the Food, Drug, and Cosmetic Act. Amends TCA, Title 53, Ch. 1. by \*Wheeler.

Passed first consideration.

House Bill No. 2588 -- Campbell County -- Prohibits disposal of certain garbage. by \*Cross, \*Wheeler.

Passed first consideration.

#### **SENATE BILLS ON FIRST CONSIDERATION**

\*Senate Bill No. 1628 -- Courts -- Provides funds for certain office supplies for certain district circuit courts. Amends TCA 16-2-506.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1602.

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**\*Senate Bill No. 1824 -- Courts, General Sessions --** Revises general sessions courts procedures and taxes. Amends TCA 16-15-5001, 5003, 5005--5008.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1867.

**\*Senate Bill No. 1829 -- Motor Vehicles --** Defines "new car" under consumer protection law. Amends TCA, Title 47, Ch. 18.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1935.

**\*Senate Bill No. 1858 -- Insurance, Health, Accident --** Revises Long-Term Care Insurance Act. Amends TCA, Title 56, Ch. 42.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1852.

**\*Senate Bill No. 1893 -- Real Property --** Enacts Tennessee Time Share Resale Broker Act of 1990. Amends TCA, Title 66, Ch. 32.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1740.

**Senate Bill No. 2110 -- Fees --** Revises fees for blood alcohol tests performed by TBI. Amends TCA, Title 38, Ch. 6.

Held on the Clerk's desk pending third consideration of companion \*House Bill No. 1809.

**\*Senate Bill No. 2164 -- Criminal Procedure --** Permits drug prosecutions by Tennessee of persons tried in foreign state or under federal law. Amends TCA 53-11-413. Repeals TCA 53-11-404.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1915.

**\*Senate Bill No. 2177 -- Codes --** Adopts revised electrical safety code. Amends TCA 68-16-104.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1851.

**\*Senate Bill No. 2269 -- Courts, General Sessions --** Confers upon general sessions courts of certain counties same contempt power as courts of record. Amends TCA 16-15-713.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1924.

**\*Senate Bill No. 2277 -- Adoption --** Creates a waiver of interest in terminating rights of the father in certain adoption proceedings. Amends TCA, Title 36, Ch. 1, Pt. 1.

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Held on the Clerk's desk pending third consideration of companion House Bill No. 1889.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 2580 -- Polk County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2581 -- Bradley County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2582 -- Taxes, Assessment -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2583 -- Taxes, Assessment -- Passed second consideration and referred to the State and Local Government Committee.

\*House Bill No. 2584 -- Opticians -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 2585 -- Smithville -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**DELAYED BILLS REFERRED**

Pursuant to Rule No. 78, House Bill(s) No(s). 2582 and 2583 was/were referred to the Delayed Bills Committee.

**REPORT OF DELAYED BILLS COMMITTEE  
February 15, 1990**

Pursuant to Rule No. 78, having received the approval of the legislative delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application: House Bill No. 2576.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
February 15, 1990**

Pursuant to Rule No. 78, having received the approval of the legislative delegation, we the undersigned members of the Delayed

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Bills Committee have approved the following general bill of local application: House Bill No. 2577.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
February 15, 1990**

Pursuant to Rule No. 78, having received the approval of the legislative delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application: House Bill No. 2582.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
February 15, 1990**

Pursuant to Rule No. 78, having received the approval of the legislative delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application: House Bill No. 2583.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
February 15, 1990**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2580, 2581 and 2585.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
Thursday, February 15, 1990**

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 19, 1990: House Joint Resolution(s) No(s). 630, 631 and 632; also, House Bill(s) No(s). 2580, 2581 and 2585.

PHILLIPS, Chairman.



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**ENROLLED BILLS**  
**February 15, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 85, 89, 180, 612, 622 and 623; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**February 15, 1990**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 85, 89, 180, 612, 622 and 623.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**February 15, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 603, 605, 606 and 611; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**February 15, 1990**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 626 and 628; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**  
**February 15, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2410 and 2579; also, House Joint Resolution(s) No(s). 619, 621, 624, 627 and 629; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE

February 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 449, 450, 451 and 479; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

February 15, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 85, 89, 180, 612, 622 and 623; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 15, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 85, 89, 180, 612, 622 and 623; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 483; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Joint Resolution No. 0483 -- Naming and Designating -- Names National Guard Armory in Nashville the "Clement/Nunnally National Guard Armory".

MESSAGE FROM THE SENATE

February 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1538 and 1971; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**Senate Bill No. 1538 -- Oneida --** Authorizes City of Oneida to own and operate cable TV. Amends Chapter 211, Private Acts of 1917, as amended.

**Senate Bill No. 1971 -- Utilities, Utility Districts --** Permits appointment of customers to municipal electric boards. Amends TCA 7-52-107.

**MESSAGE FROM THE SENATE  
February 15, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1576 and 2218; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1576 -- Criminal Offenses --** Reduces penalty for cockfighting. Amends TCA, Title 39, Ch. 14, Pt. 2.

**\*Senate Bill No. 2218 -- Private Protective Services --** Exempts unarmed private protective service personnel from Private Protective Services Licensing and Regulatory Act under certain conditions. Amends TCA 62-35-103.

**ENROLLED BILLS  
February 15, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 603, 605, 606, 611, 626 and 628; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas,

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Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, February 19, 1990.